

**State of California, State Water Resources Control Board**

Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://waterrights.ca.gov>

**S000550**  
**2005, 2006, 2007**

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM**

Owner(s) of Record:

BUTTE SINK WATERFOWL ASSOCIATION

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2008

Primary Contact:

BUTTE SINK WATERFOWL ASSOCIATION  
1127 11TH ST #544  
SACRAMENTO, CA 95814

Agent:

Address:

Phone No. 916-441-4844

Fax No.

E-mail Address:

Phone No.

Fax No.

E-mail Address:

Source Name: BUTTE CREEK

Tributary To:

County: Butte

Diversion within: SE 1/4 of SE 1/4 Section 7, T 17 N, R 1 E, MDB&M

Year of First Use: 1900

Name of Diversion works:

Assessor Parcel Number  
of the Diversion site:

STATE WATER RESOURCES  
CONTROL BOARD  
SACRAMENTO  
2008 JUL - 1 AM 11:31

A. **Water is Used Under:** Riparian claim ☒ Pre-1914 claim ☒ Court Decree No.: \_\_\_\_\_ Other (explain): Court settlements, easements, contracts, others

B. **Year of First Use:** (Please provide if missing in the Division of Rights database (ewrims)) \_\_\_\_\_

C. **Rate of Diversion:** The rate of diversion of water for each month used and entered in the table below is shown in units of:  
Gallons per minute (gpm) \_\_\_\_\_ Gallons per day (gpd) \_\_\_\_\_ Cubic feet per second (cfs) ☒

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2005	100	50	50	50	25	25	25	100	125	125	100	100	72
2006	100	50	50	50	25	25	25	100	125	125	100	100	72
2007	100	50	50	50	25	25	25	100	125	125	100	100	72

D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:  
Gallons \_\_\_\_\_ Million Gallons (MG) \_\_\_\_\_ Acre-feet (AF) ☒

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2005	5000	2800	2500	2000	1500	1500	1000	4000	6000	7500	5000	5000	43,800
2006	5000	2800	2500	2000	1500	1500	1000	4000	6000	7500	5000	5000	43,800
2007	5000	2800	2500	2000	1500	1500	1000	4000	6000	7500	5000	5000	43,800

E. **Purpose of Use** - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 9800 acres; Stockwatering \_\_\_\_\_ Domestic \_\_\_\_\_  
Other (specify) primary purpose is waterfowl + wetland habitat, Endangered fish (salmon) passage & wildlife  
Parcel Number(s) of Place of Use: \_\_\_\_\_

F. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed.

(New pump, enlarged diversion dam, location of diversion, etc.)

no changes since upgrades in 2003, (DWR, DFG, USF+WS+ others.

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☒ NO ☐  
Describe any water conservation efforts you have initiated: continued levee & water control structure maintenance & comprehensive cooperative management plan

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

S000550

Reduction in consumptive use:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO X
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)  
I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_\_ NO \_\_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO X
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)  
I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_\_ NO \_\_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: June 30, 2008 at Sacramento C/O Butte Sink, California

SIGNATURE: Gary B. Kerhoulas (water manager 33 years)

PRINTED NAME: Gary B. Kerhoulas  
(first name) (middle initial) (last name)

COMPANY NAME: Butte Sink Waterfowl Association, Inc

ITEM \_\_\_\_\_ If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.  
CONTINUATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999

OWNER OF RECORD: BUTTE SINK WATERFOWL ASSOCIATION, ~~JONI DONOGOFISKY~~

BUTTE SINK WATERFOWL ASSOCIATION  
1127 11TH ST #544  
SACRAMENTO, CA 95814

STATEMENT NO: S000550

SOURCE: BUTTE CREEK

TRIBUTARY TO: SACRAMENTO RIVER

COUNTY: BUTTE

DIVERSION

WITHIN: SE¼ OF SE¼ SECTION 7, T17N, R1E, MB&M.

TELEPHONE NUMBER:

(916) 441-4844

YEAR OF FIRST USE:

PARCEL NO:

- A. Water is used under: Riparian claim X Pre 1914 right X Other (explain): court settlement, easement, contracts and otherwise
- B. Year of first use (Please provide if missing above) late 1800's or early 1900's
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons \_\_\_\_\_ Acre-feet \_\_\_\_\_ Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1996	X	X	X	X	X			X	X	X	X	X	
1997	X	X	X	X	X			X	X	X	X	X	
1998	X	X	X	X	X			X	X	X	X	X	

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation C. 9,800 acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_

Other (specify) Primary purpose is fish and wildlife

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

Diversion facility being replaced in conjunction with DWR, DFG, USFWS and others

- F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

- a. Describe any water conservation efforts you may have started: Levee maintenance, new water control structures, mapping of flow

- c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO X

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO X

- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: April 14, 19 99 at Sacramento, California

SIGNATURE: Robert C. Cline

PRINTED NAME: Robert C. Cline  
(first name) (middle init.) (last name)

COMPANY NAME: Butte Sink Waterfowl Association, Inc.

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION


GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and per 1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.